

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JORDAN DAVID KNIPPLING,

Plaintiff,

v.

SCOTT FRAKES,

Defendant.

CASE NO. C14-5961 BHS-JRC

REPORT AND RECOMMENDATION

NOTED FOR:

FEBRUARY 13, 2015

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR1, MJR3 and MJR4.

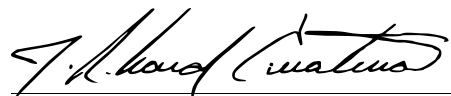
Currently before the Court is plaintiff's motion to proceed in forma pauperis (Dkt. 1). On December 9, 2015, the Clerk's office sent plaintiff a letter outlining defects in his application (Dkt. 2). Plaintiff had until January 8, 2015 to provide the Court with the needed information. Plaintiff failed to provide the Court with a copy of his inmate trust account. 28 U.S.C. § 1915(a)(2) mandates that a prisoner seeking to proceed in forma pauperis submit a certified copy of his institutional trust fund statement for the last six months.

1 The district court may permit indigent litigants to proceed in forma pauperis upon
2 completion of a proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). However, the court has
3 broad discretion in denying an application to proceed in forma pauperis. *Weller v. Dickson*, 314
4 F.2d 598, 600 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963).

5 Here, plaintiff has failed to provide information that the Court is mandated by statute to
6 obtain. Thus, plaintiff has not submitted a proper application. The Court recommends denial of
7 his application to proceed in forma pauperis. Further, the Court recommends that plaintiff have
8 thirty days to pay the full four hundred dollar filing fee.

9 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
10 fourteen (14) days from service of this Report and Recommendation to file written objections.
11 *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for
12 purposes of de novo review by the district judge. *See* 28 U.S.C. § 63(b)(1)(C). Accommodating
13 the time limit imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for
14 consideration on February 13, 2015, as noted in the caption.

15 Dated this 21st day of January, 2015.

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18 J. Richard Creatura
19 United States Magistrate Judge
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